

Federal Railroad Administration, DOT

§ 201.5

held under this part shall be published in the FEDERAL REGISTER.

PART 201—FORMAL RULES OF PRACTICE FOR PASSENGER SERVICE

- Sec.
- 201.1 General.
- 201.3 Definitions.
- 201.4 Scope of regulations.
- 201.5 Applications.
- 201.6 Notice of hearing.
- 201.7 Notification by interested persons.
- 201.8 Presiding officer.
- 201.9 Direct testimony submitted as written documents.
- 201.10 Mailing address.
- 201.11 Inspection and copying of documents.
- 201.12 Ex parte communications.
- 201.13 Prehearing conference.
- 201.14 Final agenda of the hearing.
- 201.15 Determination to cancel the hearing.
- 201.16 Rebuttal testimony and new issues of fact in final agenda.
- 201.17 Waiver of right to participate.
- 201.18 Conduct of the hearing.
- 201.19 Direct testimony.
- 201.20 Cross-examination.
- 201.21 Oral and written arguments.
- 201.22 Recommended decision, certification of the transcript, and submission of comments on the recommended decision.
- 201.23 Administrator's decision.

AUTHORITY: Secs. 402(f) and (h) of Pub. L. 91-518, 84 Stat. 1327, as amended by sec. 10(2) of Pub. L. 93-146, 87 Stat. 548 and sec. 216 of Pub. L. 96-254, 94 Stat. 418 (45 U.S.C. 562 (f) and (h)); sec. 1.49 of Title 49, Code of Federal Regulations.

SOURCE: 46 FR 2614, Jan. 12, 1981, unless otherwise noted.

§ 201.1 General.

This part prescribes procedures under which applications will be received and heard and by which rules and orders will be issued under subsections 402(f) and (h) of the Rail Passenger Service Act (45 U.S.C. 562 (f) and (h)).

§ 201.3 Definitions.

- (a) The definitions set forth in § 200.3 shall apply to this part.
- (b) The following definitions shall also apply to this part:
 - (1) *Party* means—
 - (i) The Administrator or his representative; or
 - (ii) A person who has notified the Administrator by specified dates of his or

her intent to participate in the hearing pursuant to §§ 201.7 and 201.16(b).

(2) *Witness* means any person who submits written direct testimony on an application to the Secretary under this part. A person may be both a party and a witness.

§ 201.4 Scope of regulations.

The procedural regulations in this part govern the practice and procedure in hearings held under subsections 402(f) and (h) of the Act. These hearings will be governed by the provisions of 5 U.S.C. 556 and 557 of the Administrative Procedure Act. The regulations shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to any proposal to increase speeds or to add trains pursuant to subsections 402(f) and (h) of the Act with full protection for the rights of all persons affected thereby.

§ 201.5 Applications.

(a) Each application and objection under this part shall be submitted in writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.

(b) Any procedural issues arising from the submission or consideration of applications under this part, such as timeliness and adequacy, shall be heard and decided by the presiding officer appointed under § 201.8.

(c) In accordance with subsection 402(f) of the Act, Amtrak may apply to the Administrator for an order requiring a railroad to permit accelerated speeds by Amtrak trains. Each application shall:

- (1) List by endpoints the routes for which Amtrak desires such acceleration;
- (2) Not list routes of more than one railroad;
- (3) Indicate by route and train the maximum speeds for Amtrak trains permitted by the railroad and the maximum speeds desired by Amtrak;
- (4) Indicate for each route listed the track classification as specified in FRA track safety standards (49 CFR part 213); and